

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

BILLY GOAT IP LLC,

Plaintiff,

v.

THE BILLY GOAT CHIP COMPANY LLC,

Defendant.

Case No. 17-cv-9154

Judge: Hon. Robert M. Dow, Jr.

**MOTION TO DISMISS**

Defendant, The Billy Goat Chip Company LLC, hereby moves pursuant to Fed. R. Civ. P. 12(b)(6) that the complaint in this matter be dismissed for failing to state a claim. Specifically, Plaintiff, Billy Goat IP LLC's, claims are barred by the doctrine of laches. Not only are Plaintiff's claims time barred, but Plaintiff has pleaded itself out of court by alleging facts in its complaint supporting the equitable defense of laches. A memorandum of law in further support of defendant's requested relief is submitted herewith.

Dated: February 16, 2018

Respectfully submitted,

LATHROP GAGE LLP

By: /s/Timothy Sendek

Timothy K. Sendek #6293755  
155 N. Wacker Drive, Suite 3000  
Chicago, IL 60606  
T: (312) 920-3300  
F: (312) 920-3301  
[TSendek@LathropGage.com](mailto:TSendek@LathropGage.com)

Bryan P. Sugar  
LEWIS BRISBOIS  
550 W. Adams Street, Suite 300  
Chicago, IL 60661  
T: (312) 463-3473  
F: (312) 345-1778  
[Bryan.Sugar@lewisbrisbois.com](mailto:Bryan.Sugar@lewisbrisbois.com)

**Attorneys for Defendant**  
**THE BILLY GOAT CHIP COMPANY LLC**